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STATE OF CALIFORNIA  
DEPARTMENT OF INDUSTRIAL RELATIONS  
DIVISION OF WORKERS' COMPENSATION

PUBLIC HEARING

Tuesday, August 9, 2011  
Elihu Harris State Office Building  
1515 Clay Street  
Oakland, California

**Destie Overpeck**

Moderator  
DWC Chief Counsel

**Minerva Krohn**

Industrial Relations Counsel

1                                   **PUBLIC HEARING**  
2                                   **OAKLAND, CALIFORNIA**  
3                                   **TUESDAY, AUGUST 9, 2011**

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5           MS. OVERPECK:   Good morning and thank you for coming  
6 today.

7                   This is the hearing on the Division of Workers'  
8 Compensation's proposal to amend the qualified medical  
9 evaluator regulations found at the California Code of Civil --  
10 I'm sorry, California Code of Regulations, Title 8, Sections  
11 100, 104, 105, and 106.

12                   I'm Destie Overpeck, the Chief Counsel for the  
13 Division.   Our Administrative Director, Rosa Moran, is unable  
14 to be present today, so I'm appearing on her behalf.

15                   This is Minerva Krohn.   She is the attorney who has  
16 been primarily responsible for this rulemaking.   Maureen Gray  
17 at the front here is our regulations coordinator.   She will be  
18 recording the comments today.

19                   The hearing will continue as long as there are people  
20 present who wish to make comments on the regulations.   Written  
21 comments will be accepted up until 5:00 p.m. at our offices,  
22 which are up on the 17th floor of this building.

23                   The purpose of this hearing is to receive comments on  
24 the proposed amendments to the regulations, and we welcome any  
25 comments that you have about them.   All comments, both oral and

1 written, will be considered by the Administrative Director in  
2 determining whether to adopt these regulations as written or to  
3 change them. Please restrict your comments to the subject of  
4 the regulations and any suggestions you have to changing them.

5 If you haven't already done so, please sign in. If  
6 you want to give oral testimony, please check in on our sign-in  
7 sheet. After the end of the hearing and after we've received  
8 all the written comments, we will be reading through them all  
9 and making decisions as to whether or not to make any  
10 additional changes. If we do, we will send out a revised  
11 version of the regulations for a 15-day comment period in which  
12 we will accept written comments.

13 When you come up to give your testimony, please give  
14 Maureen a business card so we can make sure we have your  
15 correct spelling and name, and please speak slowly and clearly  
16 into the microphone. Please also identify yourself before you  
17 start speaking.

18 So I'm going to call the first speaker who signed up  
19 and that is Annie Lam.

20 MS. LAM: Good morning. Thank you for the opportunity to  
21 speak. My name is Annie Lam. I'm here on behalf of the  
22 California Chiropractic Association.

23 I'm pleased to express our strong support for the DWC  
24 proposed regulation to recognize the specified chiropractic  
25 community specialties. With the adoption of the proposed

1 amendments, the specialties selected reflect chiropractic  
2 practices that are common in the treatment of injured workers  
3 in the workers' compensation area.

4 As a separate matter, we would like to note two  
5 technical amendments that the DWC may want to consider. The  
6 first one on the QME Form 104 on page 5 under the "direction"  
7 subheading there is a reference to use Block 8. We believe the  
8 correct reference should be Block 4.

9 The second recommendation is on page 2 of the  
10 attachment to Form 105, the third line of the first paragraph  
11 appears to have misplaced words that makes the statement  
12 confusing. We believe the words "during the only" should be  
13 removed.

14 Again, we're here in strong support of the proposed  
15 regulation, and we would like to thank the DWC and staff for  
16 your attention to this very important matter to us. Thank you.

17 MS. OVERPECK: Thank you for your comments.

18 Bill Howe?

19 (No response.)

20 MS. OVERPECK: Okay. So is there anyone else who would  
21 like to make oral comment at this time?

22 (No response.)

23 MS. OVERPECK: We are going to stay here and see if anyone  
24 else comes until 10:30. We can go ahead and turn off the  
25 recorder until then.

1 (Recess taken.)

2 MS. OVERPECK: Good morning. My name is Peggy Sugarman.  
3 I am the training director with Grancell, Lebovitz, Stander,  
4 Reubens & Thomas. I'm not representing anyone and only making  
5 a comment just as a -- sort of as a nonsubstantive change to  
6 form -- QME Form 105.

7 So I can see that you're wanting to get the -- to  
8 require the three letter specialty code, and so I can see where  
9 you line out "use three letter code only," and above that next  
10 to the specialty requested you have "three letter required,"  
11 which seems like it would be confusing to someone who doesn't  
12 really know that you're referring to a code, a three letter  
13 code. So my suggestion is to just add the word "three letter  
14 code required" to make it a little clearer for people filling  
15 it out.

16 Thank you.

17 MS. OVERPECK: Thank you.

18 MS. SUGARMAN: Hi, Peggy Sugarman again from the Law  
19 Offices of Grancell, Lebovitz, Stander, Reubens & Thomas.

20 And, again, another suggestion, nonsubstantive, on  
21 this Form 105. If you look at the form -- and it says, "Does  
22 dispute involve an MPN?" It says "yes," and then "no if yes,"  
23 which, again, I think is a little confusing. I get that you  
24 want -- that if it's yes, you want them to check the box as to  
25 the nature of the dispute, but it seems like that "if yes"

1     should be next to the "yes" and the "no" should be by itself.  
2     Again, just to keep it a little less confusing.

3             Thank you.

4             MS. OVERPECK: Thank you.

5             Okay. It's 10:30, and last time for the record is  
6     there anyone else who would like to testify at this hearing?

7                     (No response.)

8             MS. OVERPECK: Hearing no one, we are going to go ahead  
9     and close the hearing today.

10             Again, I would like to remind you that any written  
11     comments may be filed today up until 5:00 p.m., and they should  
12     be delivered upstairs at the 17th floor, or you can fax or  
13     e-mail them to us.

14             And on behalf of the Administrative Director, I would  
15     like to thank you all for coming and giving us input, and the  
16     hearing is now closed.

17                     (Whereupon the public hearing adjourned.)

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**CERTIFICATION**

I, Kimberlee R. Miller, Official Hearing Reporter, do  
hereby certify:

That I reported the preceding in shorthand writing from  
the tapes that were provided to me; that I thereafter caused my  
shorthand writing to be transcribed into typewriting by me  
through the use of computer-aided transcription;

Dated this 17 day of August, at Sacramento, California.

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Kimberlee R. Miller  
Official Hearing Reporter  
Workers' Compensation Appeals Board